

# American Petroleum Institute (API)

Good Afternoon,

My name is Toby Baker and I am the Executive Director of the Texas Commission on Environmental Quality. For the past two and half weeks, the men and women of TCEQ have been working 24 hours a day to respond to the ITC Terminal Fire. To date, over 260 agency personnel from 8 regional offices and our central office here in Austin have assisted in responding to the fire. Collectively with our contractors, they've put in over 8,000 hours of work. The total cost incurred so far for the TCEQ, including the cost for hired contractors is \_\_\_\_\_. I cannot be any prouder of the work the TCEQ has done and is continuing to do. I believe we have the set the bar for future disaster response, but I also believe we can still get better. When this event has concluded, we will be performing a 360-degree review of our actions. We will use that review to better hone our responses in the future and to help inform the legislature on gaps that we identify in our response that may need your attention. I've broken my remarks into seven areas today. The areas to be covered include the timeline, public awareness, ongoing actions, environmental next steps, enforcement and litigation, and finally immediate near-term and longer-term needs identified because of this disaster.

## Timeline

### Sunday, March 17, 2019

10:00 AM – Fire Reported at ITC. Site evacuated. North End of Deer Park Shelter in Place. One tank on fire. 80-8 containing naphtha. SH 225 closed.

12:13 and 12:29 PM – reported to TCEQ

12:45 PM TCEQ Houston Emergency Response Coordinator dispatched

1:20 PM Shelter in Place extended to rest of the city

1:45 PM arrives on scene – ensure ITC conducting air monitoring.

4:00 PM Air data from Deer Park monitor is evaluated

9:00 PM TCEQ investigators begin handheld monitoring efforts

TCEQ requests EPA's ASPECT aircraft

### Monday, March 18, 2019

Fire continues to burn

The following responders reported to the scene to operate under Unified Command (UC): Channel Industries Mutual Aid (CIMA), Houston Port Authority, Harris County Hazmat (HC Hazmat), HCPCS, United States Coast Guard (USCG), EPA/Weston Solutions, and TCEQ. TCEQ Emergency Management Support Team staff arrived on scene with the TCEQ small mobile command post.

TCEQ deployed two additional air monitoring stations (monitoring vans) to be strategically located in coordination with UC. The monitoring vans were onsite between 9:30 and 10:30 AM.

TCEQ requests EPA Trace Atmospheric Gas Analyzer (TAGA) mobile unit was requested from EPA.

TCEQ contractor begins water sampling from ditch to Tucker bayou to HSC  
ITC performs hourly sampling at outfall 003

**Tuesday, March 19<sup>th</sup>, 2019**

Fire continues to burn

5:30 AM TCEQ begins 24-hour air monitoring with handheld equipment and vans

**Wednesday, March 20, 2019**

4:00 AM, ITC indicates all tank fires were extinguished and that crews continued to spray foam and water to facilitate cooling to prevent reigniting of the remaining material. Additionally, vapor suppression was conducted.

**Thursday, March 21, 2019**

At 4:30 AM, Deer Park City Officials issued a shelter in place. Deer Park ISD announced that schools would not be holding classes. The shelter-in-place for the City of Deer Park was lifted at approximately 11:40 AM.

The EPA TAGA unit arrived and began conducting monitoring focusing on areas where there have been complaints and elevated air monitoring readings. EPA also conducted ASPECT aircraft sorties during this reporting period.

The TCEQ activated its emergency response contractor, NRC/SWS, to provide four air monitoring teams to augment TCEQ air monitoring efforts. The TCEQ continued conducting air sampling in and around the impacted area with both handheld monitors and with the monitoring vans. Notable readings were measured at various locations at various times throughout the day.

Emissions became worse once fire was out.

**Friday, March 22, 2019**

At approximately 12:15 PM, a portion of the dike wall surrounding the secondary containment area was breached resulting in a release of a mixture of firefighting water, firefighting foam, and petrochemicals. The breach occurred near tank 80-7 and was approximately 10 feet wide. This mixture discharged into a drainage ditch that runs East to West on Tidal Road and eventually reached the HSC via Tucker Bayou. In response to this breach, the USCG closed a portion of the HSC between Tucker Bayou and the San Jacinto Monument to Crystal Bay.

At approximately 3:45 PM, multiple tanks at the site re-ignited (tanks 80-2, 80-3 and 80-5). The fire spread to the drainage ditch where the release of firefighting water, firefighting foam, and petrochemicals occurred previously. The fire was extinguished around 4:45 PM.

The TCEQ activated its emergency response contractor, SWS, to bring in Professional Industrial Firefighting experts to evaluate the firefighting efforts and provide guidance to firefighters on the ground.

On behalf of the TCEQ, the Texas Attorney General filed a Petition and Application for Injunctive Relief in the District Court of Travis County against ITC for violations of the Texas Clean Air Act.

**Saturday, March 23, 2019**

The containment wall was secured at 4:00 AM. The root cause of the dike wall breach remains under investigation.

At 3:28 PM, the TCEQ Executive Director communicated specific expectations for addressing site issues to the ITC CEO/President via email. An email response was received from the ITC CEO/President at 5:12 PM, acknowledging the observations and indicating that a new Incident Action Plan would be made available to UC by 10:00 PM.

At 8:30 PM, EPA delivered an Administrative Order under the Clean Water Act to ITC representatives.

**Sunday, March 24, 2019**

Local meeting was held with elected officials and TCEQ.  
A draft Waste Management Plan was provided to TCEQ for review.

**Monday, March 25, 2019**

Surface water quality sampling continues to be conducted by TCEQ.  
Surface water quality monitoring continues to be conducted in northern Galveston Bay, as well as shoreline sampling on Galveston Island.

**Tuesday, March 26, 2019**

Surface water quality monitoring continued to be conducted in northern Galveston Bay, as well as shoreline sampling on Galveston Island.

**Wednesday, March 27, 2019**

A Natural Resource Trustee representative for the TCEQ visited the site. The TCEQ, GLO, and TPWD will be conducting a Natural Resource Damage Assessment (NRDA) on state entrusted resources.

Surface water quality monitoring continued to be conducted in northern Galveston Bay, as well as shoreline sampling on Galveston Island.

**Thursday, March 28, 2019**

As of 8:24 AM, pumping operations to remove product from Tanks 80-7, 80-9, 80-10, 80-12, 80-14, and 80-15 were reported as complete.

TCEQ staff continued to conduct surface water quality sampling.

**Friday, March 29, 2019**

**Saturday, March 30, 2019**

**Sunday, March 31, 2019**

**Monday, April 1, 2019**

At approximately 7:00 AM, UC provided an update on the volume of liquid wastes from the event being accumulated in Tanks 50-2 (31,185 bbl), 60-1 (47,205 bbl), 80-33 (29,700 bbl), and 80-34 (46,539 bbl).

At 11:00 AM, Commissioner Emily Lindley, Executive Director Toby Baker, Deputy Director Ramiro Garcia, Jr., and Critical Infrastructure Division Director Kelly Cook met with Admiral Thomas of the Coast Guard and David Grey, Acting EPA Regional Administrator Region 6 at UC.

The ERC reported that a total of 56,162 bbl of contaminated water have been recovered from the water and 40,385 bbl have been recovered from the tank farm. Approximately 128 cubic yards of solid waste have been recovered.

Four sampling teams conducted water sampling. The ITC team sampled with the TCEQ contractor, SWS, at ITC. Regional SWQM teams sampled east of Channelview as far as the eastern border of Galveston Bay and as far south as Kemah. An additional shore sampling team conducted sampling on the Gulf side of Galveston Island and Crystal Beach on the Bolivar peninsula.

Two Shoreline Cleanup and Assessment Technique (SCAT) teams and one Rapid Assessment Team (RAT) were deployed during the day. SCAT observations confirmed observations identified from aerial reconnaissance.

#### **Tuesday, April 2, 2019**

The Harris County Fire Marshal's Office began its fire investigation. During the investigation, they will control access to the tank farm but operations to remove product and waste from the tank farm and secondary containment area will continue.

At approximately 7:00 AM, UC provided an update on the volume of liquid wastes from the event being accumulated in Tanks 50-2 (31,185 bbl), 60-1 (47,205 bbl), 80-33 (34,044 bbl), and 80-34 (57,692 bbl).

At 7:00 AM, UC reported that pumping of the contents of Tank 100-28 into the barge was complete.

As of this date, an estimated 263 TCEQ staff have been dedicated to responding to this incident.

**Feet of boom?**

**6<sup>th</sup> Civil Support Team**

**Plumes of benzene have plagued the community, the site and surrounding businesses since the fire went out. They are quick moving and dissipate. Most levels are below AMCVs. Most high readings are occurring at the site or in heavily industrial areas.**

## **Public Awareness**

Goal: Create the most transparent, real-time response possible with the tools that we currently have...as appropriate.

TCEQ Website – ITC Terminal Fire Update – moved it on our site

Press Releases – everything we put out...facebook and twitter as well

Correspondence with Public Officials – every letter and response will be posted

Water Quality Monitoring – sampling locations and our findings – tracking plume for public recreation

Air Quality Monitoring – it was online before the event, but I quickly realized that the public may not know how to read the data. We've been translating our stationary data into easy to read line graphs since Tuesday following the fire. All handheld, EPA and ITC data has been posted.

Phone Calls with Public Officials – when possible and necessary I attempted to keep our local State elected officials updated

Face to Face Meetings with Public Officials – Sunday in Deer Park, in Austin as well

## **Ongoing Actions**

Continue Air Quality Monitoring

Continue Water Quality Monitoring

Review and Approve Waste Plan from ITC

Natural Resource Damage Assessment – NRDA – impact on Natural Resources

## **What Happens Next?**

Remediation. Once EPA and Coast Guard depart, TCEQ will take charge of the site. We will be there until ITC gets the remediation done right. Removing tanks, contaminated soil, disposing of waste properly.

*ACLE Action Review*

## **Penalties/Litigation/EPA(RMP)/NRDA**

Referred to the Attorney General – allows for up to \$25,000 per day

Review of their compliance history shows that tank 80-8, where the fire is reported to have started, has not been cited for a violation

EPA will be assessing ITC's compliance with their Risk Management Plan – Title V operating permit, not delegated to the TCEQ

TCEQ, GLO and TPWD will begin NRDA casework

OSHA, Chemical Safety Board and Harris County Fire Marshall

## **Short Term Needs for Disaster Response**

Two Mobile Monitoring Vans (LAR)

UltraRAEs

Ipads/laptops

## **Longer Term Needs**

State Firefighting when in an Industrial Setting

Often times there is discussion of our permitting and enforcement in light of catastrophic events. The TCEQ permits air emissions, permits public water systems and wastewater discharges, and the handling of waste. We do not regulate safety of operations, i.e. an ignition source placed next to a valve that could fail. We do not regulate the placement of tanks or the containment walls surrounding them. We do not regulate the type of firefighting foam used or the water pressure required for fire suppression. Our job is to permit the amount of the emissions one is allowed to emit, work for compliance and if not possible, create an enforcement action. Statute is built to bring compliance through investigations and self-awareness (LDAR). Different than other states in this regard.